

This part applies to both individual submissions for specific pieces of property and comprehensive reuse plans for all property, depending on the extent of the State's submission.

(b) The provisions of § 480.107 concerning payback waiver and § 480.109(b)(3) concerning payback reduction apply only to property which has been or will be applied to a reuse under this part, as determined by the FHWA, within 10 years of the withdrawal of the Interstate segment in connection with which it was acquired. Lacking a submission by a State indicating the intent to sell property in accordance with the provisions of § 480.109(b)(2) or a submission by the State for waiver of payback within 10 years of withdrawal and actual reuse within 10 years of withdrawal, the FHWA will require that the pro rata share of the current fair market value of the property be credited to Federal funds in accordance with § 480.109(b)(1).

(c) Nothing in this part shall be considered to affect or conflict with the obligations of States with respect to the right-of-way (ROW) revolving fund pursuant to 23 U.S.C. 108(c).

§ 480.105 Definitions.

For purposes of this part:

Acquired in the case of real property means that title has been passed to the acquiring agency, or a legal obligation to complete the purchase of such real property has been established; or, in the case of construction, that work has been performed, or materials obtained, and payment is due under the contract provisions.

Applied to a reuse under this part means that construction leading to the reuse, or the reuse itself, has begun on the real property or that construction leading to the reuse, or the reuse itself, has begun on the site where the construction items and materials will be incorporated into another project.

Intangible items means items having no physical existence or recoverable value, e.g., preliminary engineering, construction engineering, appraisals, relocation payments, etc.

Property means land, and/or interests therein, including improvements, structures and appurtenances thereto, and any other acquired items having a

physical existence but not yet physically incorporated into the project (such as construction items, materials, movable equipment and machinery).

§ 480.107 Reuse of property.

(a) This section applies to:

(1) Property acquired in connection with an Interstate highway segment withdrawn before November 6, 1978; or

(2) Property acquired before November 6, 1978, in connection with an Interstate highway segment withdrawn on or after November 6, 1978, if the final environmental impact statement for the segment had not been approved prior to the date of withdrawal.

(b) When property to which this section applies is no longer needed for the Interstate highway project for which it was acquired because of withdrawal of such Interstate segment, the State may, subject to the provisions of this section, reuse the property without being required to make payback, for:

(1) A transportation project permissible under title 23 U.S.C.;

(2) A public conservation or public recreation purpose; or

(3) Any other public purpose determined by the FHWA to be in the public interest.

(c) In order to request a waiver of payback for reuse of the property without being required to make a credit to Federal funds, the State shall submit to the FHWA the following information (States are encouraged to submit a comprehensive reuse plan, covering all property, rather than individual submissions for each piece of property):

(1) A description of how the State, or political subdivision thereof, or any of their agencies or instrumentalities, has reused or proposes to reuse the property and how such use satisfies paragraph (b) of this section. Only that property actually needed for a known reuse will be considered for waiver of payback. The intent of paragraph (b) of this section is to enable the States to avoid payback if the property is reused for publicly owned and operated facilities providing government services. To this end, the State shall indicate if any of the property involved was or will be transferred directly or indirectly to any private party in connection with the reuse. The State shall justify to